

Message Text

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53

ACTION ARA-10

INFO OCT-01 ISO-00 ARAE-00 L-03 CIAE-00 INR-07 NSAE-00

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P R 031310Z FEB 76

FM AMEMBASSY BRASILIA

TO SECSTATE WASHDC PRIORITY 3674

USTREASURY WASHDC

AMEMBASSY MEXICO

INFO AMEMBASSY MONTEVIDEO

AMCONSUL RIO DE JANEIRO

AMCONSUL SAO PAULO

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TREASURY FOR US CUSTOMS HEADQUARTERS

FOR MESSRS. PADILLA AND WRIGHT

E.O.11652: N/A

TAGS: OTRA, MX

SUBJECT: VISIT OF CUSTOMS OFFICERS

REF: BRASILIA 0932

1. ON FEBRUARY 2, MINISTER SERGIO ROUANET, CHIEF OF THE FOREIGN MINISTRY'S COMMERCIAL POLICY DIVISION, PRESENTED ECON COUNSELOR AIDE MEMOIRE DISAPPROVING EMBASSY REQUEST FOR THE US CUSTOMS INVESTIGATION IN ITS PRESENT FORM. BRAZILIAN AIDE MEMOIRE WAS IN RESPONSE TO WRITTEN REQUEST TO GOB FOR BRAZILIAN COOPERATION IN PROPOSED CUSTOMS INVESTIGATION (REFTEL).

2. TEXT OF BRAZILIAN AIDE MEMOIRE FOLLOWS:

"1. WITH RESPECT TO THE AIDE MEMOIRE OF 23 JANUARY 1976, IN WHICH THE EMBASSY OF THE U.S. REQUESTED PERMISSION
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FROM THE BRAZILIAN GOVERNMENT FOR US CUSTOMS OFFICIALS

TO CONDUCT INVESTIGATIONS IN BRAZIL RELATED TO THE EXPORT ACTIVITY OF CERTAIN BRAZILIAN INDUSTRIES, THE MINISTRY OF EXTERNAL RELATIONS INFORMS THE EMBASSY THAT THE REQUEST CANNOT BE GRANTED.

"2. THE MINISTRY OF EXTERNAL RELATIONS, ON THE OTHER HAND, WISHES TO MAKE CLEAR THAT IT IS PRESENTLY CONSULTING OTHER COMPETENT BRAZILIAN AUTHORITIES ON THE EMBASSY SUGGESTION OF THE ESTABLISHMENT OF NEW MODALITIES OF COOPERATION BETWEEN THE CUSTOMS SERVICES OF THE TWO COUNTRIES."

3. IN COMMENTING INFORMALLY TO ECON COUNSELOR ON BRAZILIAN POSITION, ROUANET SAID THAT US CUSTOMS SERVICE HAD CHOSEN A VERY DELICATE TIME TO PROPOSE AN INVESTIGATION, THE BULK OF WHICH WAS CONCERNED WITH BRAZILIAN SHOE EXPORTS. WHILE HE PERSONALLY FULLY ACCEPTED THE EMBASSY'S ASSURANCES, AFRT FORTH IN AIDE MEMOIRE, THAT THERE WAS NO RELATIONSHIP TO THE COUNTERVAILING DUTY PROBLEM OF THE INTERNATIONAL TRADE COMMISSIONS' INQUIRY, THE FACT THAT THE INVESTIGATION WAS FOCUSED SO HEAVILY ON SHOES HAD DETRACTED FROM THE CREDIBILITY OF THESE ASSURANCES WITHIN THE GOB. EVEN IF THESE VARIOUS INVESTIGATIONS MIGHT BE FORMALLY AND LEGALLY SEPARATED, THEY COULD NOT IN FACT BE SEPARATED FROM A SUBSTANTIVE POINT OF VIEW. AS THE BRAZILIAN SIDE VIEWED THIS, THE PROPOSED INVESTIGATION WOULD PROVIDE THE USG WITH IMPORTANT INFORMATION ABOUT PRODUCTION COSTS OF BRAZILIAN FIRMS, WHICH COULD BE USED FOR OTHER THAN THE ORIGINAL PURPOSE.

4. ROUANET PROMISED TO DISCUSS FURTHER WITH FRANCISCO DORNELLES OF THE MINISTRY OF FINANCE POSSIBLE MODALITIES BY WHICH THE GOB COULD ASSIST IN THE US CUSTOMS INVESTIGATION. HE MADE NO COMMITMENT, HOWEVER, HOW SOON THERE WOULD BE A FURTHER BRAZILIAN RESPONSE.

5. THE EMBASSY WILL CONTINUE ITS EFFORTS TO WORK OUT ARRANGEMENTS WITH THE GOB FOR AN IN-COUNTRY INVESTIGATION. IN THE MEANTIME EMBASSY IS RECOMMENDING TO CUSTOMS OFFICERS WRIGHT AND PADILLA THAT THEY PROCEED TO MEXICO CITY AND LIMITED OFFICIAL USE

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AWAIT FURTHER DEVELOPMENTS.
CRIMMINS

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Message Attributes

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